

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AT SAN ANTONIO

CHRISTUS HEALTH SYSTEMS, INC., and
CHRISTUS SANTA ROSA HEALTH CARE
CORPORATION,

No. SA:12-CV-01221-DAE

Plaintiffs,

vs.

San Antonio, TX
August 29th, 2014

AMERICAN CONSULTANTS RX, INC.,
AMERICAN CONSULTANTS, INC., and
CHARLES MYRICK,

Defendants.

TRANSCRIPT OF SHOW CAUSE HEARING PROCEEDINGS
BEFORE THE HONORABLE DAVID A. EZRA
SENIOR UNITED STATES DISTRICT JUDGE

APPEARANCES

APPEARING FOR THE PLAINTIFFS:

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DEFENDANT'S WITNESSES

None

EXHIBITS

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DEFENDANT'S EXHIBITS	IDENTIFIED	OFFERED	RECEIVED
None			

1 COURTROOM DEPUTY: *CHRISTUS Health Systems,*
2 *Incorporated, et al., vs. American Consultants RX,*
3 *Incorporated, et al., SA:12-CV-1221.*

4 THE COURT: All right. May I have appearances,
5 please.

6 MR. COLLIER: Your Honor, this is Marc Collier, of
7 Norton, Rose, Fulbright, along with counsel Bob Rouder, also of
8 Norton, Rose, Fulbright, on behalf of CHRISTUS Santa Rosa and
9 CHRISTUS Health.

10 THE COURT: All right. And, sir?

11 DEFENDANT CHARLES MYRICK: My name is Charles Myrick.
12 I'm the president and CEO of American Consultants RX,
13 Incorporated.

14 THE COURT: All right. Well, I'm glad to see you
15 here, Mr. Myrick. Because, had you not shown up today, I would
16 have issued a federal bench warrant for your arrest. And you
17 would have come here, but you would have come here under
18 arrest. Do you understand that?

19 DEFENDANT CHARLES MYRICK: Oh, yes, sir.

20 THE COURT: All right.

21 DEFENDANT CHARLES MYRICK: I decided last night I
22 should come.

23 THE COURT: That was probably a pretty good idea
24 because it might have taken the marshals two or three weeks to
25 get you here. And, during that period of time, you would have

1 been housed in a series of federal detention facilities between
2 here and where you live. It would not have been a pleasant
3 experience.

4 All right. You want to move forward, sir?

5 MR. COLLIER: Yes, Your Honor. At this time,
6 CHRISTUS would like to call Charles Myrick to the witness
7 stand.

8 THE COURT: Mr. Myrick.

9 COURTROOM DEPUTY: Come right over here.

10 Before you have a seat, if would you please raise your
11 right hand.

12 (Witness sworn.)

13 COURTROOM DEPUTY: Thank you. You may have a seat.

14 MR. COLLIER: Your Honor, may I question from the
15 desk? We may need the computer at various times.

16 THE COURT: All right.

17 MR. COLLIER: Thank you.

18 CHARLES MYRICK,
19 being first duly sworn, testified under oath as follows:

20 DIRECT EXAMINATION

21 BY MR. COLLIER:

22 Q. Good afternoon. Mr. Myrick, will you please state your full
23 name.

24 A. Well, I go by Charles Myrick, but my name is Charlie Myrick,
25 Charlie L. Myrick, Jr., but everyone -- since I was -- I always

1 go by Charles L. Myrick, Jr.

2 Q. And what does the "L" stand for?

3 A. Lee.

4 Q. And where do you currently reside?

5 A. 2900 Camp Creek Parkway, Atlanta, Georgia -- I mean

6 College Park --

7 THE REPORTER: Say that again.

8 THE WITNESS: 2900 Camp Creek Parkway, and that's

9 College Park, Georgia, 30337.

10 BY MR. COLLIER:

11 Q. And is that Suite D-13 --

12 A. Right.

13 Q. -- or Apartment D-13?

14 A. Apartment D-13, right.

15 Q. And you both live and operate your companies out of that
16 address?

17 A. Yes. The program was actually built into the inner city,
18 yes.

19 Q. And are you able to receive mail at that address?

20 A. Yes, I am.

21 Q. What is the last four of your Social Security Number?

22 A. 6031.

23 Q. And your birthday?

24 A. 10-20-65.

25 Q. And, finally, where were you born?

1 A. Kansas City, Missouri.

2 Q. Do you understand that I represent CHRISTUS Santa Rosa and
3 CHRISTUS Health in this matter?

4 A. Oh, yes, I do.

5 Q. And have you seen my name, Marc Collier, and Mr. Rouder's
6 name on the pleadings that you've received in this case?

7 A. I have.

8 Q. At any time have you contacted myself, Mr. Rouder, or anyone
9 at Norton, Rose, Fulbright regarding this case?

10 A. Not me personally. I -- I think my attorney contacted
11 CHRISTUS, and I contacted CHRISTUS myself at the -- the
12 hospital.

13 Q. On what date?

14 A. I -- I can't remember what the date was.

15 Q. Years ago?

16 A. Excuse me?

17 Q. Years ago?

18 A. Concerning this case, is that what you're asking?

19 Concerning this case or --

20 MR. COLLIER: May I approach?

21 THE COURT: Yes.

22 BY MR. COLLIER:

23 Q. Mr. Myrick, is this a letter you received in 2012 from
24 CHRISTUS Health asking you to cease and desist using their
25 trademarks?

1 A. I can't really remember because it would have gone to my
2 attorney once --

3 Q. Were there -- were there two addressees on there,
4 Mr. Myrick?

5 A. But you have Mr. Winston Denmark, Esquire.

6 Q. Are you addressed on there?

7 A. Yes, I am.

8 Q. Do you receive mail at that address?

9 A. Yes, I do. But my attorney handles everything for my legal.

10 Q. Okay. Where is your attorney now?

11 A. He's in Georgia.

12 Q. Does he represent you in this matter?

13 A. He will -- when it comes to Georgia, he will.

14 Q. Were you aware in 2012, either through the receipt of that
15 letter, or through your counsel, that CHRISTUS Health and
16 CHRISTUS Santa Rosa opposed your use of their trademarks?

17 A. Oh, I did hear a concern, yes.

18 Q. Okay. Are you aware, sir, that on March 27th, 2014, this
19 Court entered a permanent injunction against American
20 Consultants RX, Inc., American Consultants, Inc., and, you,
21 yourself, Charles Myrick?

22 A. We did see -- we did see it, and that's where the problem
23 was.

24 Q. Understood. So you were aware on or about March 27th of
25 2014 of this order?

1 A. My attorney was when he looked at it, and he informed me
2 that there was a problem.

3 Q. Okay. And, in fact, do you recall me having a process
4 server personally serve you with a copy of this permanent
5 injunction against you?

6 A. You sent me a copy of an injunction. That was actually
7 after going through it with my attorney and several other
8 aspects in Georgia, we saw that there were some problems and
9 that it needed to be addressed.

10 THE COURT: Who is this attorney you keep referring
11 to? What is his name?

12 THE WITNESS: Oh, his name is Winston Denmark.

13 THE COURT: Mr. Winston Denmark?

14 THE WITNESS: Right. And that's in Atlanta, Georgia.
15 That's --

16 THE COURT: All right. You may proceed.

17 BY MR. COLLIER:

18 Q. Mr. Myrick, look at the last page of Exhibit 1.

19 A. Okay.

20 Q. Do you see there an envelope addressed to your attorney that
21 he refused?

22 A. I wasn't aware of this.

23 Q. And your attorney has made no appearance here today --

24 A. But he's not --

25 Q. -- correct?

1 A. -- licensed in Georgia -- I mean in -- in Texas.

2 Q. Okay. As we sit here today, Mr. Myrick, have you removed
3 from all of the -- well, let me ask just a few more questions.

4 Is there any other employees of AC, Incorporated, the
5 defendant?

6 A. I mean we have other -- we have other individuals that work
7 with us, and we are subbed out to a lot of our -- a lot of our
8 people that work, they're independent contractors. So, I mean,
9 they don't -- they're not necessarily employees. They're
10 independent contractors that happen to work in the field.

11 Q. Okay. Are you the only employee of American
12 Consultants, Inc.?

13 A. Well, I'm the only CEO, the president of the company, yes.
14 But we have nothing but independent contractors since basically
15 the program is basically built to -- each one of the guys that
16 work with us have their own numbers, have their own networks
17 that they work with individually. The network that is working
18 on this one, the nationwide humanitarian project, that we have
19 in over 50,000 organizations, utilizes a lot of people that we
20 have to tap into.

21 Q. Are there any other employees of American Consultants
22 RX, Inc.?

23 A. Oh, we've got Dorothy Weathers. We have -- Alvin Collins
24 has his own, but he's independent. Angie Collins has her own
25 program. I mean they're all independents, but they -- we all

1 work together.

2 Q. Okay. And you have filed a response in the last day or so
3 talking about the organizations in your financial status. What
4 does it cost to run American Consultants, Inc.? What are the
5 expenses every year?

6 A. Oh, the expenses -- the expenses can vary to a couple
7 hundred thousand dollars, whatever I can get to keep the
8 program running. The way our program is based and set -- it's
9 designed -- it's a system that was designed to basically never
10 have to ask for federal help, never have to ask for state help.
11 And, basically, I put the money up. And over the course of the
12 time of ten years, we probably put -- we put over a couple of
13 million dollars into it. So that it is actually designed to
14 run by itself. So 85 percent of any money that I have goes
15 back into the program.

16 Q. Right. So give the Judge your best estimate of the
17 operating cost of American Consultants, Inc., for 2013.

18 A. I think the operating might have been, maybe, 100, 150,000,
19 something like that.

20 Q. What about the cost of American Consultants RX, Inc.?

21 A. I mean American Consultants RX. That's what I was talking
22 about. American Consultants, the problem that we are having,
23 with your situation, is you wrote American Consultants,
24 Incorporated. American Consultants, Incorporated, is totally
25 separate from this. It's a -- it is a total separate entity,

1 and it's all about insurance. We don't write insurance right
2 now. There is no insurance written. And you grope and group
3 everything together which was another difficulty. American
4 Consultants, Incorporated, is totally separate. If you go to
5 the website, it's only going to speak about insurance. We
6 don't sell anything, like insurance, to our clientele.

7 Q. All right. Mr. Myrick, my question is: What were the
8 expenses that American --

9 A. I just told you. There is no insurance. There's nothing.
10 There's nothing coming. We don't sell anything right now for
11 the insurance because everything that we're doing right now --
12 American Consultants, Incorporated, was actually torn apart so
13 that this program could run, the American Consultants RX could
14 run. In order for me to do 50 million cards, I had to get the
15 money somewhere. And nobody was going to help us. So I gave
16 everything up so that the program could run.

17 Q. Okay. And --

18 A. I mean -- make sure you understand something. This is my
19 401(k). This is my retirement money. This is everything, and
20 I put it back into the program.

21 Q. Okay. Sir, I'm just asking: How much money --

22 A. No, I'm asking -- I'm telling you -- I'm explaining to
23 you --

24 THE COURT: Mr. Myrick, you just need to --

25 THE WITNESS: Yeah.

1 THE COURT: -- not answer until he poses a question,
2 and then just simply answer the question.

3 BY MR. COLLIER:

4 Q. Okay. And so the revenues received by American
5 Consultants RX are generated through a variety of click
6 referral systems, including Linksynergy; right?

7 A. Is that a question you're asking me?

8 Q. Yes.

9 A. We utilize, ideal for marketing, advertising pieces that can
10 help us subsidize some of the costs because we never charge the
11 clients anything. So, yes, I use linkage -- what do they call
12 it, LinkShare, Commission Junction, Amazon.com, just like
13 anything -- if you look at *Huffington Post*, you'll see the same
14 thing.

15 Q. All right. Just so we -- I want to understand how the
16 revenue comes in, and how the revenue goes out in terms of your
17 claim of having no resources, sir.

18 You are --

19 A. Well --

20 Q. -- you are receiving, are you not, approximately \$400,000 in
21 revenue a year through your websites, your Tweets, and your
22 using these videos to sell goods; correct?

23 A. No, you've got it -- you've got it wrong. I don't earn that
24 kind of money. I don't know where you got that from. I don't
25 earn that kind of money. That was -- the concept of what we

1 built on this, of the Tweets, where you're talking about
2 Tweets, this is a news network that we built from 2008 of a
3 document that I gave to everyone, gave to you, of what I sent,
4 and the Congressional Black Caucus asked me, what can we do to
5 help build the disparity. And I said, well, we have to build a
6 network that they can find. And that's what -- this is what
7 it's coming from, we had to build a inner-based system that
8 anybody could find, and we had to build information that they
9 can go through where they're using video to educate them, where
10 they're using tips and keep elements that could help them.
11 Now, that's what it was built like.

12 Q. Mr. Myrick, I promise you the Judge will give you an
13 opportunity to explain why you do what you do. I'm just asking
14 some very short questions.

15 Is your -- do you have a variety of Twitter accounts? A
16 whole series of aliases under which you Tweet?

17 A. For American Consultants RX, ACRX?

18 Q. Yeah.

19 A. Yes.

20 Q. All right.

21 A. I mean for our company, yeah.

22 Q. I would ask you to look at the screen, and, for the purposes
23 of the record, we are at <https://twitter.com/medicine.help>.

24 A. Okay.

25 Q. Is this you, sir?

1 A. Oh, yes. It's a -- it's a news feed.

2 Q. It's a news feed. Read to the Court the first post posted
3 15 hours ago.

4 A. Okay. It's Gerber baby boys mittens four pack. Okay. We
5 build a health site, and we build new sites. We build
6 information sites for where they can get tips of different
7 things they can buy. 95 percent of our clientele are women,
8 and so we try to find them things that they can help them.
9 It's just information. And if they want to get something, they
10 can. If they don't, they don't have to.

11 Q. And, sir, if -- if the person was to click on your link
12 there --

13 A. Uh-hum.

14 Q. -- for the Gerber baby boys mittens or the Once Upon a
15 Christmas Night, or any of these things that you're Tweeting
16 every hour --

17 A. Yes.

18 Q. -- you receive payment; correct?

19 A. No, the company would.

20 Q. The company --

21 A. American Consultants --

22 Q. -- ACRX?

23 A. American Consultants RX.

24 Q. Of which you're the only employee; correct?

25 A. Yeah, I guess you could say --

1 Q. And --

2 A. -- I'm the only employee right now, yes.

3 Q. You receive all of the revenues of that company?

4 A. No, I don't.

5 Q. You receive all the revenues other than which you pour back
6 into --

7 A. No --

8 Q. -- your marketing --

9 A. -- let me explain something. I'm at a loss. You're asking
10 me a question, and I'm telling you. I only make \$12,000. I
11 don't make any money. I gave this back to the community.

12 Q. Since you've received the Court's permanent injunction, have
13 you removed, from all the defendants' websites, all references
14 to CHRISTUS or CHRISTUS Health?

15 A. No.

16 Q. Okay. Are you aware that in Paragraph 6 of the order you
17 were ordered to do so?

18 A. Yes.

19 Q. Okay. And --

20 A. And are you asking me, is there a reason -- do you want me
21 to tell you a reason why we haven't done it?

22 Q. Sure.

23 A. The reason why we haven't done it is because the order was
24 based on fraud. I went through -- not only did we go through
25 Winston Denmark, but we wanted to check through the different

1 points from the FBI because when you wrote those things about
2 me, you actually created fraud. You actually put me under the
3 situation where I'm no longer a civil case. It's a criminal
4 case. Because you questioned my integrity and the fact of the
5 point of -- of what I was doing, and you called me out as being
6 a fraud, at that point, injunction, when you did that, I had to
7 self-report myself, telling them that this is what was
8 happening.

9 And, at that point and juncture, from the governor's
10 office, who granted me a pardon, who you -- which you didn't --
11 I guess you didn't realize, from the insurance commissioner,
12 which I have to go through due diligence. Even though they
13 gave me a federal waiver, I now have to self-report that there
14 was a claim against me made concerning my integrity. I have to
15 report to the FBI because I have federal and state agencies
16 across the country -- and because I have so many politicians
17 that are plugged into it that now their name is attached to
18 something that, thanks to you, this is online right now, that
19 has got me out there looking crazy.

20 On top of that, I've got the Justice Department that I've
21 got to talk to, which is -- Judge, this is the reason why I was
22 held a little later from coming up here. And all of these
23 different things, which you saw on the back of my complaint --
24 I mean my -- my response, the things that I have to do.
25 Because, when you have a pardon, and you have a federal waiver,

1 you have responsibilities, plus I'm licensed in the State of
2 Georgia, and they do not tolerate fraud. And, from what you
3 described in there, what you said about me being
4 misrepresenting -- misrepresenting CHRISTUS, I had to
5 self-report that and tell them that I have to ask for an
6 investigation into myself as well as CHRISTUS.

7 And that's what has been holding up everything right now.
8 They don't want me to touch nothing until they give me the
9 okay. I'm in Georgia, and they can put me in jail quickly.
10 They can restrict everything I have. And if they tell me to
11 stop it so they can go through the due diligence, they put me
12 into a very unique situation. But, of course, Mr. Collier, you
13 didn't know that I guess in all the times that you was digging
14 up my information, you didn't know I had a federal waiver and a
15 pardon and how much stress that I'm under.

16 Q. Mr. Myrick, have you removed from third-party websites, as
17 of today's date, all of your videos that reference CHRISTUS
18 Santa Rosa Children's Hospital receiving tribute and free
19 medicine help by Charles Myrick of ACRX?

20 A. I just explained that we haven't removed anything. And also
21 to the point of your claim, you said that we did not have
22 jurisdiction, and you was lying. Because I was able to show
23 that we had the jurisdiction, that we had the people from your
24 place that ordered the cards. This is the thing that is
25 holding me up in Georgia because the question was asked to me,

1 did CHRISTUS order these cards, and do you have documentation
2 about it. Yes. Wait till they come to -- come to Georgia.
3 They're waiting for you. That's what we've been waiting on,
4 waiting for him to come to Georgia with the Court's order so
5 that Georgia can now act.

6 Q. Mr. Myrick, I promise I just have a -- a few questions, and,
7 at the end, I will ask --

8 MR. COLLIER: Your Honor, I will ask him an
9 open-ended question, but I'm trying to --

10 THE COURT: No, he's already established that he
11 hasn't removed it. He's giving us the reasons. I'm not
12 seeing --

13 MR. COLLIER: Okay.

14 THE COURT: -- any further need for any additional
15 questions.

16 MR. COLLIER: I -- I will pass the witness and let
17 Mr. Myrick or -- or the Court question, however you see fit --

18 THE COURT: Do you have anything else you would like
19 to add, Mr. Myrick, other than what you've already responded
20 to?

21 THE WITNESS: Yes, I would like to add a few things.

22 THE COURT: All right.

23 THE WITNESS: The establishment of working with
24 CHRISTUS, the way our program works, you have to request the
25 cards. You have to send it to us in writing, or you have to

1 call us, or you have to do it online. And the point is we have
2 a check and balance system. And that check and balance system,
3 which I've showed, is that we were able to pull the request
4 that came from CHRISTUS that you never asked us the question
5 about who ordered the cards. It was always assumed that we did
6 not have any authorization to work with CHRISTUS, but we've
7 been working with CHRISTUS since 2005.

8 As a matter of fact, we have almost 35 -- almost 35 or
9 40,000 cards -- I mean requests that we have not even finished
10 processing. We're backed up. That is the only way you can get
11 the cards from us. The jurisdiction point of what we were
12 saying was --

13 THE COURT: Mr. Myrick --

14 THE WITNESS: Yeah.

15 THE COURT: -- what cards are you referring to?

16 THE WITNESS: The -- the cards are the -- the
17 discount -- we have discount prescription cards. We built a
18 network and a program, and we found the best programs that
19 could help --

20 THE COURT: So you're telling me that CHRISTUS
21 Santa Rosa authorized you to use their logo and their
22 identification in your advertisements; is that what you're --

23 THE WITNESS: No --

24 THE COURT: -- telling me?

25 THE WITNESS: -- no -- no.

1 THE COURT: I'm just asking you.

2 THE WITNESS: Yes.

3 THE COURT: You're telling me they --

4 THE WITNESS: When they -- when -- when they --

5 THE COURT: No --

6 THE WITNESS: Yeah?

7 THE COURT: -- just answer my question --

8 THE WITNESS: Okay.

9 THE COURT: -- yes or no, Mr. Myrick.

10 Did CHRISTUS Santa Rosa, or any of its affiliates,
11 authorize you to use their logo or their identifying
12 information in your advertisements or your web publications?
13 Yes or no?

14 THE WITNESS: No.

15 THE COURT: All right.

16 THE WITNESS: But we follow --

17 THE COURT: You answered the question.

18 THE WITNESS: What I was going to say is that we
19 followed the -- the exception of the copyright, the copyright
20 exception of us -- and everybody keeps thinking that when we're
21 doing those videos, those videos are not advertisements.
22 They're thank you and informational videos for our clientele.
23 We work with almost 50,000 organizations plugged in. And the
24 inner city that needs to know the information, where they can
25 get help, we inform them. In the information -- that is one of

1 the things in the Congressional Black Caucus points where they
2 asked me to come in, it was talking about disparity. Believe
3 it or not --

4 THE COURT: I am not interested in what you discussed
5 with third parties, including the Congressional Black Caucus.
6 That has nothing to do with this case. What this has to do
7 with this case is the issue of your either being or not being
8 in violation of this Court's injunction.

9 THE WITNESS: Well, as far as the injunction --

10 THE COURT: There's only --

11 THE WITNESS: Okay.

12 THE COURT: -- there is -- there is one way and one
13 way only for this injunction to be overturned, and that is at
14 the Fifth Circuit Court of Appeals. Do you understand? Not by
15 any third party. And until it is overturned, you are bound by
16 law to follow it.

17 THE WITNESS: Your Honor, I have no problem pulling
18 the videos.

19 THE COURT: Okay.

20 THE WITNESS: The -- the point, what everybody is
21 failing to understand --

22 THE COURT: Okay. Why don't you step down. You can
23 go over there.

24 THE WITNESS: Okay.

25 (Witness excused from witness stand.)

1 THE COURT: Now, let me just hear argument first
2 from -- do you have anything to add here?

3 MR. COLLIER: I -- I would say, very briefly,
4 Your Honor, and I think the Court understands, we have been
5 pursuing this since 2012. We sent a cease and desist letter
6 that, if you look at the bottom, all we asked him to do is sign
7 it and send it back that he was going to pull it down. We
8 weren't suing. We weren't doing anything. We are a Catholic
9 Nonprofit Healthcare System for San Antonio. Our mission is to
10 extend the healing ministry of Jesus Christ. It is very
11 difficult for me to explain to my client how two years into
12 this, with really no defense, he -- he's admitted, under oath
13 today, that he had no authorization to use this. We've spent
14 thousands of dollars trying to stop this.

15 It is, and I can complete the presentation, but I don't
16 think I need to because he's admitted, it's still up on the
17 third-party sites. I can still run a search on the defendant's
18 own website, and it's there. And his response to the series of
19 court orders is, I don't have to do it because I've got some
20 lawyer in Georgia who's not authorized to practice here who
21 says it's problematic, and I can make CHRISTUS come to Georgia.

22 This is the epitome -- if we were to look up civil
23 contempt, this is the epitome of civil contempt and thumbing
24 his nose at the Court. We -- as you may recall, we had an
25 opportunity to seek damages for what he did, and we passed on

1 that because all we wanted was an injunction to stop. The only
2 reason that there's even an attorneys' fees judgment against
3 him is because what we've had to do.

4 His answers are inconsistent. But he's receiving revenue
5 in six figures from this scheme, and it's been admitted into
6 evidence. But we've previously presented -- and this is
7 today's website at AmericanConsultantsRX.com, the place where
8 we get led from his affiliation with CHRISTUS Health that he's
9 going to make money off the sale of a beer garden girl adult
10 women's plus size custom.

11 Now, I don't have anything against beer garden girls, but
12 that's not --

13 THE COURT: Where is the -- where is the CHRISTUS
14 Santa Rosa indication there?

15 MR. COLLIER: We can do a search. The way you get to
16 this website is through his Tweets and his linking of ACRX, if
17 you'll look at the top, Your Honor --

18 THE COURT: Yeah.

19 MR. COLLIER: -- American Consultants RX, and this is
20 the website with today's advertisement. I pulled it up on the
21 way to the courthouse. We had already submitted, you know, his
22 selling of sort of adult-themed merchandise in our verified
23 complaint. But just today, when you get pulled here due to his
24 failure to remove the so-called partnership between the two of
25 us, where he's using our trademarks, this is where people land.

1 And it's a flagrant thumbing the nose at the Court, and the
2 dignity of the Court, and I would -- we've not asked for
3 criminal contempt. He is -- what he's done is he's monetized
4 the use and abuse of our and other entities' trademarks.
5 Though I don't represent them, he's Tweeting 500,000 times on
6 the Tweet that we -- we've pulled up with him as a -- as a
7 witness. Sorry. I have to too many -- too many blocks open,
8 Your Honor. There we go.

9 The Tweet *[sic]* account -- he's got numerous. He has sent
10 534,000 Tweets, 7200 videos, 1200 followers, and what he's
11 doing, while his answers are inconsistent as to how much he
12 makes, he's sitting back and raking in revenue, which is why he
13 won't stop and why had he won't honor the Court because he
14 links his abuse of everyone's trademarks in search queries and
15 poor people who want to find ways to save money at the
16 pharmacy, and he monetizes it for his own good.

17 So I would respectfully suggest to the Court that he's
18 indicated -- quite frankly, he's in civil contempt because he
19 thinks it's a fraudulent order. He's referenced in his
20 pleading that the Court is the enforcement arm of fraud, and
21 that he can just go back to Georgia and do whatever. I
22 don't -- I don't think even setting apart CHRISTUS and CHRISTUS
23 Santa Rosa's and the community's needs that the Court ought to
24 abide by that, and I think Mr. Myrick ought to be, as we had
25 requested, retained into custody.

1 I am very sure, from my experience, that the U.S. Marshals
2 are very capable of providing him supervised internet access,
3 and he can do what the Court has finally instructed -- or he
4 can finally do what the Court instructed him to do months ago
5 which is remove the infringing material, notify third parties,
6 notify YouTube. They are so used to receiving DMCA requests,
7 Your Honor. I don't know how long it will take. But however
8 long it takes, he should be here until it's gone because he's
9 had six months to do it and decided not to do it until you
10 forced him to be here.

11 Thank you, Your Honor.

12 THE COURT: All right. Mr. Myrick?

13 DEFENDANT CHARLES MYRICK: Judge, there -- there is
14 no such thing as me thumbing my nose to the -- to the Court.
15 Not only did I write this, because I wasn't going -- I was
16 going to be here. There's no thumbing my nose. I didn't thumb
17 my nose at anything that has happened to me in the past, and it
18 is not happening even with you. The clarification was there
19 were things I didn't know what was going on. As you heard me
20 right here say, I will take it down. I didn't know some of
21 these things. Some things weren't told to me. I have an
22 attorney. I didn't know he --

23 THE COURT: Well, I -- you know, I don't know whether
24 you have an attorney or not. You may use an attorney's name
25 but --

1 DEFENDANT CHARLES MYRICK: No, I have a --

2 THE COURT: -- the attorney --

3 Mr. Myrick, at this point, if I were you, I wouldn't
4 interrupt the Court.

5 Your attorney refused service. He refused to acknowledge
6 you. Do you understand? So, under those circumstances, if you
7 have an attorney, it appears to be a one-way relationship.

8 DEFENDANT CHARLES MYRICK: Well, I see that now.
9 I -- I did didn't know. I -- I did not know that the
10 attorney --

11 THE COURT: Well --

12 DEFENDANT CHARLES MYRICK: -- was not doing his job.

13 THE COURT: -- then you need to be talking to some --
14 that attorney or some other attorney; do you understand?

15 DEFENDANT CHARLES MYRICK: I know. When I get back,
16 I will.

17 THE COURT: All right. Well, you're assuming you're
18 going anywhere, Mr. Myrick.

19 DEFENDANT CHARLES MYRICK: I'm assuming.

20 THE COURT: All right.

21 DEFENDANT CHARLES MYRICK: Judge --

22 THE COURT: First of all -- no, I think the Court has
23 heard enough, Mr. Myrick.

24 DEFENDANT CHARLES MYRICK: Oh, no. No. I wasn't --
25 Judge, I wasn't -- I'm saying this --

1 THE COURT: Mr. Myrick --

2 DEFENDANT CHARLES MYRICK: -- I will remove -- I'll
3 remove --

4 THE COURT: No --

5 DEFENDANT CHARLES MYRICK: -- I will remove
6 everything.

7 THE COURT: Listen to me. All right. First of all,
8 predicated on the evidence before the Court, including your own
9 sworn admission, the Court finds you in civil contempt.

10 I am going to give you five days from today to remove each
11 and every single reference to CHRISTUS Santa Rosa, or any of
12 its affiliates, as laid out in the permanent injunction, and
13 I'm going to order another copy be provided to you today.
14 Every single dictate in this permanent injunction must be
15 complied with in five days.

16 Mr. Myrick, I want to have you be very clear on something.
17 I don't care whether you're in Georgia or Maine or California
18 or Hawaii or Alaska. This is a United States District Court.
19 Do you understand that?

20 DEFENDANT CHARLES MYRICK: Yes, sir.

21 THE COURT: The Court's jurisdiction over you extends
22 throughout this great nation. The fact that you may be in
23 Georgia, because you did business here, because you used the
24 name improperly and the copyright improperly of this
25 organization, you gave this Court jurisdiction. So it makes no

1 difference where you are conducting your activities. Do you
2 understand me?

3 DEFENDANT CHARLES MYRICK: Yes, sir.

4 THE COURT: And this suggestion that somehow there's
5 a fraud here, I don't know where the fraud is, but I can assure
6 you, if there is a fraud, it isn't coming from the plaintiff in
7 this case.

8 Now, I don't know what you're doing. I don't know what
9 your business model is. Quite frankly, I -- I suspect that if
10 fully advised of what you're doing, it might be fodder for the
11 Attorney General of the State of Georgia or the Department of
12 Justice. Maybe they need to look into it. But that's not my
13 job here. That's not my role. I'm not a prosecutor, and I'm
14 not an arm of the Department of Justice. But what I do have is
15 a singular and important responsibility, and that is to see
16 that orders, which this Court issues, which are lawful and
17 which bear the imprimatur of the Court's authority are carried
18 out and not ignored and disregarded. Both of which you have
19 done.

20 Make no mistake about it, Mr. Myrick, if I do not have
21 written acknowledgement by you, signed and notarized and filed
22 in this Court in five days acknowledging that you have removed
23 CHRISTUS Santa Rosa, and all of the other named related
24 entities, from any and all communications, including the
25 internet, Tweets, and other sources that you use, and that you

1 will never use them again, I will find you in criminal
2 contempt. I will issue a bench warrant for your arrest. You
3 will be brought back here.

4 At that point, if you don't have a lawyer, I will appoint
5 a federal defender, and you will stand trial for criminal
6 contempt which could result in a significant federal prison
7 sentence. Do you understand me?

8 DEFENDANT CHARLES MYRICK: Yes, sir.

9 THE COURT: Do you think I am kidding?

10 DEFENDANT CHARLES MYRICK: No, sir.

11 THE COURT: Please understand me, Mr. Myrick, I am
12 not. If I were you, I would disavow myself of any notions you
13 may have that somehow when you return to Georgia you are
14 somehow a sovereign individual who is no longer responsible
15 because of your notions of fraudulent intent or fraudulent
16 judgments or all of this other nonsense that you have placed
17 before the Court. You did not appear. A judgment was entered.
18 The appropriate thing to do within the appropriate time period,
19 which, by the way, has passed, would have been to file an
20 appeal. You did not file an appeal. The judgment is final and
21 enforceable. That's it. The time to contest it is over.

22 So now we have an injunction in place. You've
23 acknowledged that you were in violation of that injunction.
24 Counsel wants me to hold you in custody today. I am not going
25 to do that. I could do it, but I'm not going to do it. I'm

1 going to give you the benefit of getting back home to Georgia
2 and doing exactly what I told you to do, and then I am going to
3 require, as I just have told you, and I will tell you again so
4 that there is absolutely no mistake about it, I want you to
5 file with this Court a signed, notarized declaration under
6 penalty of perjury that you have complied with this Court's
7 injunction in every respect and that you will no longer use the
8 prohibited trademarked names in any of your activities. And
9 that had best be done within five days.

10 And so that means I want it filed with this Court -- I
11 will give you -- because we have a holiday, I will give you
12 until Monday, September the 8th. So that really is more than
13 five days. Now do you agree to that, Mr. Myrick?

14 DEFENDANT CHARLES MYRICK: Yes, sir.

15 THE COURT: All right. So you're going to be able to
16 get back in your car and go back to Georgia. I'm going to
17 require that another copy of this injunction be given to you.
18 Is there any doubt in your mind, do you have any confusion
19 about what I just told you you must do?

20 DEFENDANT CHARLES MYRICK: No, sir, I -- from the
21 point, we will -- we will go through every site that we have to
22 make sure that we can pull those --

23 THE COURT: Well, not only that, you not only have to
24 do it, you have to file a signed --

25 DEFENDANT CHARLES MYRICK: Right.

1 THE COURT: -- notarized affidavit with this Court,
2 provide a copy to counsel, indicating that you have done just
3 that, and that you will no longer engage in the activities
4 prohibited by the injunction. And that has to be done before a
5 notary public under penalty of perjury, and it must be filed on
6 or before the 8th of September at 4:00 p.m. Central Standard
7 Time.

8 Mr. Myrick, if the morning of the 9th of September comes
9 around, and my courtroom deputy tells me that I do not have
10 that in hand, I will issue a bench warrant for your arrest.

11 DEFENDANT CHARLES MYRICK: I have a question --

12 THE COURT: Mr. Myrick, do you see -- I want you to
13 turn around. Turn around. Do you see the gentlemen who are
14 standing here --

15 Stand up.

16 Do you see those two gentlemen? They are Deputy
17 United States Marshals. Do you know why they're here?

18 DEFENDANT CHARLES MYRICK: I pretty much can figure
19 it, yes.

20 THE COURT: Yeah. Okay. Well, gentlemen just like
21 them, their counterparts in Atlanta, are alerted. Under their
22 supervision, those gentlemen are going to come visit you on the
23 9th or the 10th of September if you don't file what you need to
24 file and comply with this Court's injunction. Do you
25 understand?

1 DEFENDANT CHARLES MYRICK: Yes, sir. I have no
2 problem.

3 THE COURT: All right. I am being quite lenient with
4 you, Mr. Myrick. Because, quite frankly, I have the authority
5 to find you in contempt, and I did, but to enforce that
6 contempt today.

7 DEFENDANT CHARLES MYRICK: I agree, sir. It will be
8 definitely taken care of.

9 THE COURT: All right. Thank you very much
10 gentlemen.

11 Anything else?

12 MR. COLLIER: No, Your Honor. A minor request, if --
13 if either we or Mr. Myrick might leave first so we're not
14 riding the elevator down together. It's been --

15 THE COURT: All right.

16 MR. COLLIER: -- a very emotional hearing.

17 THE COURT: I will ask the deputy marshals to escort
18 Mr. Myrick out of the building.

19 You go with them right now, Mr. Myrick.

20 DEFENDANT CHARLES MYRICK: Okay.

21 COURTROOM DEPUTY: Do you want him to get a copy of
22 the permanent injunction?

23 THE COURT: Yeah, he needs to get a copy of the
24 permanent injunction. Do we have a copy?

25 COURTROOM DEPUTY: I'm getting it.

1 THE COURT: She's making -- she's going to make a
2 copy for you again, Mr. Myrick. And you've acknowledged you
3 already have it, but we'll get you another copy.

4 DEFENDANT CHARLES MYRICK: And in order for me to
5 send it, do I send it -- I'm just asking, do I overnight it to
6 you? Do I overnight it to the Court?

7 THE COURT: Just overnight it to -- send it overnight
8 copy to counsel. You have his address. And you send a copy to
9 the -- to my chambers right here.

10 DEFENDANT CHARLES MYRICK: Okay.

11 THE COURT: And if you need that address, you can
12 always call and get it, or the marshals will give you our
13 address. All right.

14 DEFENDANT CHARLES MYRICK: Okay. No problem. Thank
15 you, sir.

16 THE COURT: All right.

17 MR. COLLIER: Thank you, Your Honor.

18 THE COURT: Okay. Anything else?

19 MR. COLLIER: No, Your Honor.

20 THE COURT: All right. The court stands in recess.

21 COURT SECURITY OFFICER: All rise.

22 (Whereupon said show cause hearing proceedings
23 concluded.)
24
25

C E R T I F I C A T E

I, Kristin M. Anderson, a Registered Professional Reporter, and Official Court Reporter for the U.S. District Court, Western District of Texas do hereby certify:

That the foregoing is a true and correct transcript of the proceedings transcribed from my stenographic notes in the above-entitled matter;

That I am not a relative or employee or attorney or counsel of any of the parties, or a relative or employee of such attorney or counsel, or financially interested in the action.

WITNESS my hand on this 5th day of September, 2014.

/s/ Kristin M. Anderson
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